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Attorney for:  
**DAMIAN INIGUEZ**

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF WASHINGTON**  
**(Honorable Mary K. Dimke)**

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

DAMIAN INIGUEZ,  
Defendant.

NO. 1:23-CR-02068-MKD

**SENTENCING MEMORANDUM**

**APRIL 21<sup>ST</sup>, 2025**

**SENTENCING HEARING**

**Yakima, WA – With Oral Argument**

**SENTENCING MEMORANDUM**

**COMES NOW** Damian Iniguez, by and through his counsel, Ken Therrien, and respectfully submits this sentencing memorandum in preparation for his sentencing hearing scheduled for April 21, 2025. At the time of sentencing, Mr. Iniguez requests a sentence below the advisory guideline range, considering the mitigating

1 circumstances of his personal history, longstanding struggles with substance use, and  
2 his sincere efforts toward rehabilitation.

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4 Mr. Iniguez respectfully requests leave to supplement this memorandum should  
5 additional relevant information arise prior to sentencing.  
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8 **I. BASE OFFENSE LEVEL & CRIMINAL HISTORY**  
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10 Mr. Iniguez pled guilty to one count of Felon in Possession of a Firearm, in violation  
11 of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). The firearm was stolen and manufactured  
12 outside the state, making it subject to interstate commerce. The Presentence  
13 Investigation Report (PSIR) determined a base offense level of 20 under USSG  
14 §2K2.1(a)(4)(B), with a 2-level enhancement under §2K2.1(b)(4)(A) due to the  
15 firearm being stolen, resulting in an adjusted offense level of 22. Mr. Iniguez received  
16 a 3-level reduction for acceptance of responsibility under USSG §3E1.1(a) and (b),  
17 yielding a total offense level of 19.  
18

19 With a Criminal History Category of V, the corresponding advisory guideline range  
20 is **57 to 71 months**.  
21

## II. Guideline Calculations

### Guideline Calculation:

#### *Count Group 1: Assault Resulting in Serious Bodily Injury*

1.	<b><i>Base Offense Level</i></b>	<u>20</u>
	<i>18 U.S.C. §§ 1153, 113(a)(6)).</i>	
2.	<b><i>Specific Offense</i></b>	
	<b><i>Stolen Firearm</i></b>	
	<i>USSG §2K2.1(b)(4)(A))</i>	<u>+2</u>
	<b><i>Acceptance of Responsibility</i></b>	<u>-2</u>
	<i>USSG §3E1.1(a)</i>	
4.	<b><i>Additional Acceptance</i></b>	<u>-1</u>
	<b><i>For Timeliness</i></b>	
	<i>USSG §3E1.1(b)</i>	
5.	<b><i>Total Offense Level</i></b>	<u>19</u>
	<b><i>Guideline Range</i></b>	<u>57-71</u> <u>months</u>

## III. MITIGATING FACTORS

### A. PERSONAL HISTORY AND CHARACTERISTICS

Mr. Iniguez was raised in a high-crime, gang-saturated environment in Yakima. At age 15, he joined the Chicanos Por Vida (CPV) gang, seeking belonging in a neighborhood where violence, substance use, and trauma were daily realities. He was the youngest of several siblings and often left unsupervised while his parents worked.

1 Despite their support, his early exposure to drugs, crime, and gang influence set the  
2 foundation for a troubled path.  
3

#### 4 5 **B. SUBSTANCE ABUSE AND MENTAL HEALTH HISTORY**

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7 Mr. Iniguez began using marijuana at age 11, alcohol by age 13, and cocaine at age  
8 15. His addiction escalated into daily cocaine use by his early twenties. He also  
9 developed an opioid addiction following surgeries from a shooting in 2012 that left  
10 him hospitalized and required multiple operations over several years. This painful  
11 trauma and chronic substance use disorder are central to understanding his behavior.  
12  
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15  
16 He participated in treatment while under DOC supervision but failed to complete it  
17 due to the severity of his addiction. Despite repeated relapses, he has expressed a  
18 strong desire to change and understands that treatment and relocation from Yakima  
19 are essential to his recovery.  
20  
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#### 22 23 **C. TRAUMA AND VICTIMIZATION**

24  
25 In 2012, Mr. Iniguez was shot multiple times in the chest. The injuries were life-  
26 threatening and required extensive surgical intervention, including emergency  
27 surgeries on his lungs and esophagus. Years later, a surgical error was discovered—  
28  
29

1 plastic left in his body—which caused severe complications and another surgery. The  
2 shooting and its aftermath were deeply traumatic and contributed to his dependence  
3 on painkillers and emotional distress.  
4

#### 5 6 **D. FAMILY AND FUTURE PLANS** 7

8 Mr. Iniguez is the father of two young daughters, M and J. Before his arrest, he was  
9 attempting to maintain a presence in their lives. He acknowledges that his drug use  
10 and instability damaged those relationships, but he is committed to rebuilding them.  
11 He has voiced clear goals: to move away from Yakima, secure employment, continue  
12 his education, and live a life free of gang influence and substance abuse.  
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### 17 **IV. SENTENCING FACTORS UNDER 18 U.S.C. § 3553(a)** 18

#### 19 **A. Nature and Circumstances of the Offense**

20 Mr. Iniguez possessed a firearm while in the throes of deep addiction and mental  
21 exhaustion. At the time of arrest, he had been awake for nearly six days while using a  
22 combination of fentanyl, cocaine, and ecstasy. While this does not excuse his  
23 conduct, it provides critical context for understanding his impaired judgment and  
24 chaotic behavior. Importantly, Mr. Iniguez was not engaged in acts of violence during  
25 the incident and cooperated with law enforcement at the time of arrest.  
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## **B. History and Characteristics of the Defendant**

As outlined above, Mr. Iniguez's criminal history is closely tied to his longstanding substance use disorder and early exposure to trauma, violence, and instability. His conduct reflects cycles of untreated addiction rather than a deliberate disregard for the law. He has acknowledged the harm caused by his choices and expressed a genuine commitment to change — particularly through relocation, treatment, and rebuilding his relationship with his daughters.

## **C. Need for the Sentence Imposed**

A sentence of **57 months**, at the low end of the guideline range, appropriately reflects the seriousness of the offense while accounting for Mr. Iniguez's individual circumstances. Such a sentence provides accountability but also leaves room for hope and rehabilitation. Structured supervision, access to substance abuse and mental health treatment, and removal from a harmful environment are critical to Mr. Iniguez's long-term success — and are more likely to prevent future recidivism than a lengthier term of incarceration.

## **V. SENTENCING RECOMMENDATION**

1 In light of the mitigating factors described above — including Mr. Iniguez’s history  
2 of trauma, substance use disorder and demonstrated willingness to pursue  
3 rehabilitation — Mr. Iniguez respectfully requests that the Court impose a sentence at  
4 the low end of the advisory guideline range, specifically 57 months.  
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8 This recommendation reflects a balance between the seriousness of the offense and  
9 Mr. Iniguez’s potential for reform. It is sufficient, but not greater than necessary, to  
10 fulfill the objectives set forth in 18 U.S.C. § 3553(a).  
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## 13 14 VI. CONCLUSION

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16 For the reasons set forth above, Mr. Iniguez respectfully requests that the Court  
17 impose a sentence of 57 months, consistent with the government’s recommendation  
18 and supported by the individualized factors present in this case.  
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20

21 **Dated this 4th day of April, 2025**  
22

23  
24 /s/ Ken Therrien

25 KEN THERRIEN, WSBA #20291  
26 Attorney for Defendant  
27  
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**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury of the laws of the State of Washington that on April 4, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

- Ben Seal, Assistant United States Attorney

s/ Ken Therrien

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